**San Francisco County Transportation Authority**

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SUBJECT: San Francisco County Transportation Authority Feedback on Second Modified Regulatory Text for the Testing and Deployment of Autonomous Vehicles (AVs) on California's Public Roads

Dear Counsel Chapman:

The San Francisco County Transportation Authority (Transportation Authority) respectfully submits the following comments on the Department of Motor Vehicles' (Department) Second Modified Regulatory Text for the Testing and Deployment of Autonomous Vehicles (AVs) on California's Public Roads, issued on January 21, 2026.

As our positions and recommendations are well-documented in our prior 2025 submissions to this rulemaking, we will not restate them here in their entirety. Instead, these comments focus on addressing a new concern regarding resilience event preparation, and briefly revisiting outstanding issues regarding data, remote operators, and enforcement.

We appreciate the Department's continued engagement throughout this rulemaking process. We remain available to discuss these points, or any issues raised in our previous comments, at the Department's discretion.

## 1. Resilience Events Preparation

The December 20, 2025 power outage in San Francisco highlighted the risks that large-scale AV operations may pose to transportation systems during resilience events. During the outage, Waymo AVs became immobilized in multiple locations across San Francisco, including intersections, in some cases impeding traffic and emergency response vehicles. Waymo has reported that during the peak outage period, 63 vehicles required manual retrieval, and that first responder personnel disengaged and manually moved Waymo AVs in two instances. Waymo also reports that 1593 vehicles stalled that day but has not disclosed how long the vehicles were stalled before resuming operation, a key measure of performance to gauge the level of disruptive operations at the local level.[1]

[1] The CPUC AV Deployment Quarterly Reports require that stalled vehicles ("stoppages") be reported at an event level with beginning and end times, but this information has been redacted under claims of confidential business information (CBI).

The San Francisco Department of Emergency Management is currently evaluating the events of December 20, 2025, and has not yet issued a formal assessment of the incident or its impacts related to AV operations. In the coming month, the San Francisco Board of Supervisors is also expected to hold a public hearing to examine Waymo's performance during the outage, as well as the respective roles and responsibilities of AV operators and regulators in preparing for and responding to resilience events.

This experience underscore the need for new regulations to provide clear guidance on how AV manufacturers are required to manage operations during widespread power or communications outages, cyber-attacks, natural disasters, and similar high-risk conditions.

As the regulatory framework shifts toward greater reliance on safety assurance through safety case reviews, it is notable that Waymo completed an independent third-party audit of its safety case and remote assistance program[2] – a practice the Transportation Authority supports and encourages, and which would be further strengthened by appropriate regulatory guidance and oversight. However, Waymo's performance on December 20, 2025 raises questions as to whether large-scale infrastructure failures and their impacts on remote assistance capabilities were sufficiently considered in that audit process.

The Department should require AV providers to jointly fund a comprehensive process to co-create automated vehicle (AV) resilience and emergency preparedness protocols for use in California. Regulations should direct AV providers to coordinate with and sponsor the participation of; public safety, emergency response, and transportation agencies to maximize the collaborative learnings from ongoing emergency scene protocol development efforts and the experience of December 20, 2025 to inform next steps. The resulting framework should establish clear, detailed regulatory requirements for manufacturers' disaster response and resilience plans, including mandatory operational adjustments or restrictions during high-risk events. Ultimately, these plans should be developed in consultation with local officials across all jurisdictions within a manufacturer's permitted operational design domain to address specific local risks and contexts. Each plan should be shared transparently with relevant stakeholders statewide, and be overseen by the Department through ongoing monitoring and enforceable accountability.

**2. Date reporting requirements and confidentiality**

**VMT data at local level is essential for accountability.** The proposed regulatory text does not adopt the critical requirement to report vehicle miles traveled (VMT) at the county or city level. This has been a consistent request from local governments across the state, as well as from researchers in the academic community. Without county- or city-level VMT reporting, the Department would be unable to calculate the granular performance metrics necessary for meaningful safety and operational evaluation, whether for its own oversight purposes or to assess and verify claims made in a manufacturer's safety case. A statewide VMT figure is overly coarse and obscures important differences in roadway context, deployment patterns, and local risk exposure.

[2] https://waymo.com/blog/2025/11/independent-audits

**Speed limit threshold for hard braking too high.** We are very concerned that, following our prior comments, the proposed regulation retains the limit on reporting hard-braking events to roads with posted speeds of 35 mph or higher, effectively excluding nearly all streets in San Francisco. As a result, a large share of meaningful hard-braking events would go unreported, obscuring critical safety data needed to evaluate AV performance and inform road safety planning in San Francisco and other urban environments where AVs will be increasingly prevalent. The Department should remove the 35 mph threshold and require reporting of all qualifying hard-braking events, by facility type.

**Stronger CBI claims framework needed to protect public interest.** The Department should develop a clear framework for data confidentiality before implementing the new regulations, ensuring that overly broad proprietary claims are carefully balanced with public access and oversight needs. Local governments should have access to portions of applications affecting their jurisdictions, and the public should be able to review data on braking events, system performance, failures, vehicle immobilizations, and notices of noncompliance to support AV safety evaluation and planning. To establish these criteria, the Department should hold workshops with regulators, providers, local governments, safety experts, and community stakeholders to identify truly proprietary information, define equitable disclosure requirements, and promote transparent, data-driven decision-making that supports safer and more accountable AV deployment.

### 3. Remote Operators

Executives from Waymo testified before Congress on February 4, 2026 that some of their remote operators are located in the Philippines, raising alarm from some Senators.[3] In previous comments in June 2025 and December 2025 the Transportation Authority called for requiring remote operators to hold valid California driver's licenses, be physically located in California, to establish communication latency requirements, and ensure the remote operators are held to the same drive-time limits as apply to for-hire drivers transporting passengers. We renew these comments again and incorporate our previous comments by reference.

### 4. Enforcement

As recommended in prior comments to the Department, the Transportation Authority sees an urgent need to establish clear standards for penalties or permitting consequences associated with multiple or significant noncompliance events. Such standards would bring transparency for both industry and the public regarding how the Department will intervene, and would advance equity and consistency with respect to penalties enforced on human drivers. This important aspect of enforcement was not addressed in AB 1777.

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[3] The Verge. Senators grill Waymo and Tesla over robotaxi safety, liability, and China. https://www.theverge.com/transportation/873891/senate-hearing-autonomous-vehicles-robotaxi-waymo-tesla-legislation. Accessed February 5, 2026

## 5. Conclusion

The Transportation Authority appreciates the opportunity to provide feedback on the Second Modified Regulatory Text and looks forward to continued engagement with the Department. Please do not hesitate to contact us with any questions regarding these comments or if we can be of assistance in any capacity.

Sincerely,
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